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Attorneys for Defendants, Andra Leanord Allen and Forever Diamonds

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

GRACE E. LA

v.

ANDRA LEONARD ALLEN;  
FOREVER DIAMONDS, a business entity of  
unknown origin, and DOES 1 through 50,  
inclusive

) **Case No.: 08 CV 0532WQH WMc**  
)  
) **DECLARATION OF ANDRA ALLEN IN**  
) **SUPPORT OF MOTION TO DISMISS**  
) **FOR LACK OF AND VENUE OR, IN**  
) **THE ALTERNATIVE, TO TRANSFER**  
) **VENUE; AND MOTION TO DISMISS**  
) **FOR FAILURE TO STATE A CLAIM**  
) **[Fed. Rules of Civ. Proc. 12(b)(3);**  
) **12(b)(6); 28 U.S.C. §§1404 and 1406]**  
)  
) **DATE: August 11, 2008**  
) **TIME: 11:00 A.M.**  
) **JUDGE: Hon. William Q. Hayes**  
) **DEPT.: 4**  
)  
) **NO ORAL ARGUMENT UNLESS**  
) **REQUESTED BY THE COURT**  
)  
)  
)

I, Andra Allen, hereby declare:

1. I am over the age of eighteen. I am the named defendant in the above referenced matter.

2. All of the matters stated herein are of my own personal knowledge and, if sworn as a witness, I could competently testify to the matters stated herein, except as to those matters I declare on information and belief.

1           3.     Forever Diamonds is the sole proprietorship through which I operate a wholesale  
2 jewelry business in Las Vegas, Nevada under the same name. Forever Diamonds does not have a  
3 website, and does not advertise outside of Las Vegas, Nevada. To the extent Forever Diamonds has  
4 customers outside of the State of Nevada, those individuals typically were introduced to me while they  
5 were in Las Vegas.

6           4.     A majority of the witnesses and documents are located in Las Vegas, where Forever  
7 Diamonds is located and any business records relating to Forever Diamonds are maintained in Las  
8 Vegas.

9           5.     Attached herewith as Exhibit "A" is a true and correct copy of my redacted 1040,  
10 containing a Schedule C, supporting the fact that Forever Diamonds is my sole proprietorship.<sup>1</sup> In  
11 addition, attached hereto as Exhibit "B" is a true and correct copy of my fictitious business name filing  
12 for Nevada.

13           6.     As a sole proprietorship, I have never attempted to sell "shares" or any equity interest in  
14 my "business" to Plaintiff or any other person.

15           7.     In or around June 2005, I moved from Las Vegas, Nevada to San Jose, California. I  
16 continued to maintain customers in Las Vegas for a period of time, but those customer contacts and  
17 relationships have dwindled down over time to the point where there is almost no business done  
18 through Forever Diamonds at this time.

19           8.     In early 2006, I met Grace E. La ("La"). At the time, both of us were in the process of  
20 separating from our respective spouses. La and I met and began a relationship that lasted for several  
21 months.

22           9.     From the start, our relationship was filled with ups and downs. Between January 2006  
23 and October 2006, we "broke up" and got back together numerous time.

24           10.    On or about October 16, 2006, I permanently moved to Austin, Texas, when I closed on  
25 the purchase of my home. Texas has been my permanent residence ever since. Attached herewith as  
26 Exhibit "C" are true and correct redacted copies of my energy bills.

27  
28 <sup>1</sup> The information which is redacted relate to my personal information including my total income, social security number  
and other confidential information.

1 11. Since leaving San Jose, California, I have returned to the State on a handful of occasions  
2 (in Northern California), primarily for personal reasons. On two or three occasions I visited Plaintiff in  
3 San Jose towards the end of our relationship.

4 12. Shortly after I moved to Texas, La asked me if she could move to Texas to be closer to  
5 me. Because of our rocky relationship, I declined the suggestion and La broke up with me again.

6 13. In or around November 2006, La's husband moved to San Diego.

7 14. In an attempt to reconcile with me, on or about November 14, 2006, La offered to pay  
8 for my flight to San Jose for the weekend. There was no discussion of these funds being used for a  
9 loan. La obtained a hotel in her name and purchased/reimbursed me for the plane ticket.

10 15. I am informed and believe that in December 2006, as part of her divorce negotiations  
11 with her husband, La and her husband sold their home in San Jose, California. I am further informed  
12 and believe that La and her husband split the equity in the house and La's portion was approximately  
13 \$200,000.

14 16. On or about February 3, 2007, La gave me \$105,000. I repeatedly questioned her  
15 motives for giving me the money, but La claimed that "because we were going to be together, she  
16 might as well." I insisted that she put the money in a CD; however, La was adamant that I take the  
17 money.

18 17. On or about February 5, 2007, La went to a local Bank of America branch in San Jose,  
19 California and wired \$105,000 to my account in Texas.

20 18. On or about February 26, 2007, La wired me an additional \$75,000 from her account  
21 into my personal bank account.

22 19. At all times, I understood La's payments to be gifts. We never discussed repayment  
23 terms, interest on the money, or her purchasing "shares" or an equity stake in Forever Diamonds, a  
24 business that is not a legal entity distinct from myself.

25 20. In Texas, where I reside, I maintain all documents relating to the gifts that La wired to  
26 me in February 2006.

27 21. In or around April 2007, La reconciled with her husband, stopped the divorce  
28 proceedings, and in or around July 2007, moved to San Diego with her husband.

1 22. At no time whatsoever have I or Forever Diamonds ever resided or domiciled in San  
2 Diego. At no time during the relevant dates of Plaintiff's complaint have I visited San Diego.

3 I declare under penalty of perjury under the laws of the United States and the State of California  
4 that the forgoing is true and correct. Executed this 19<sup>th</sup> day of June, 2008 in Austin, Texas.

5  
6   
7 Andra Allen, Declarant